

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA

v.

ROBERT DOHERTY

Criminal Action No.

1:21-CR-184-01-TWT

GOVERNMENT’S SENTENCING MEMORANDUM

The United States of America, by Ryan K. Buchanan, United States Attorney, and Matthew S. Carrico, Assistant United States Attorney for the Northern District of Georgia, submit this Sentencing Memorandum.

Introduction

On May 7, 2021, Robert Doherty was arrested while in possession of an unregistered machine gun and unregistered short-barrel rifle. On May 11, 2021, a grand jury in the Northern District of Georgia returned a two-count indictment charging Mr. Doherty with possession of an unregistered machine gun in count one, and possession of an unregistered short-barrel rifle in count two. On February 16, 2022, Mr. Doherty entered a plea of guilty to count two of the indictment. Sentencing is set for May 31, 2022, at 2:00 pm.

PSR Calculations

The presentence report calculates Mr. Doherty as having a total criminal history score of three. This places Mr. Doherty in criminal history category II. Both the Government and Mr. Doherty agree with this calculation.

The presentence report calculates Mr. Doherty's base offense level as a level 20 pursuant to § 2K2.1(a)(4)(B) of the sentencing guidelines. After consultation with supervising United States Probation Officer Kenneth D. Jeffers, both Mr. Doherty and the Government agree that a more appropriate base offense level would be 18, pursuant to § 2K2.1(a)(5) as the offense involved a firearm described in 26 U.S.C. § 5845(a). After receiving a 3-level reduction for acceptance of responsibility pursuant to §§ 3E1.1(a) and (b), Mr. Doherty's total offense level would be 15. Based on a total offense level of 15 and his criminal history category of II, both Mr. Doherty and the Government agree that his Guidelines range should be 21-27 months.

Assuming the Court agrees with the parties' recommendations, there are no objections to the Guidelines that need to be addressed by the Court.

Sentencing Recommendation

Pursuant to the plea agreement in this case, the government agreed to recommend a sentence at the low-end of the adjusted Guideline range. As such, assuming the Court adopts the agreed upon calculation of Mr. Doherty's Guideline range as discussed above, then the government recommends a sentence of 21 months' imprisonment. The government will provide additional explanation to the Court at sentencing as to why it believes this is an appropriate sentence.

Conclusion

For the foregoing reasons, the Government respectfully recommends a sentence of 21 months' imprisonment.

Respectfully submitted,

RYAN K. BUCHANAN
United States Attorney

/s/Matthew S. Carrico
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Certificate of Service

I served this document today by electronic mail.

May 27, 2022

/s/ MATTHEW S. CARRICO
MATTHEW S. CARRICO
Assistant United States Attorney